



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Krim M. Ballentine  
File: B-206508  
Date: March 9, 1987

### DIGEST

An employee, who moved with his family and household goods from his old duty station in Detroit, Michigan, to an apartment in St. Louis, Missouri, pending either his disability retirement or transfer to Houston, Texas, is not entitled to temporary quarters subsistence expenses. When his application for disability retirement was denied, he reported for duty at Houston and established an apartment residence there for himself only, and did not provide any evidence that he had sought other permanent quarters. Neither the apartment in St. Louis or Houston constituted temporary quarters, and the expenses in St. Louis were not incident to the transfer as required by Federal Travel Regulations.

### DECISION

The subject of this decision is the appeal of the disallowance by our Claims Group of the claim by Mr. Krim M. Ballentine, a former employee of the U.S. Marshals Service, for temporary quarters subsistence expenses incurred in connection with his transfer from Detroit, Michigan, to Houston, Texas. We sustain the disallowance of the claim since the expenses claimed were for permanent rather than temporary quarters for himself and his family, and were not incurred incident to establishing a residence at the new duty station.

### BACKGROUND

Mr. Ballentine was advised that he would be transferred from Detroit, Michigan, to Houston, Texas, where he was to report on November 28, 1982. He suffered an injury while performing active duty training with his military reserve unit, and could not work for 9 months. Additionally, he applied for a disability retirement. As a result his reporting date in Houston was postponed pending a determination by the Office

038229 / 132369

of Personnel Management on the disability retirement application. While on leave because of his injury, he and his family moved from Detroit to St. Louis, Missouri, on April 23, 1983. His household goods were transported from storage into the apartment where he and his family lived in St. Louis on June 3, 1983. After his application for a disability retirement was denied, the Marshals Service in June 1983 directed him to report to his new duty station in Houston on August 8, 1983. Effective July 11, 1983, he began to document temporary quarters subsistence expenses for himself and family members in St. Louis. Leaving his family in St. Louis, he traveled to Houston, reported there on August 8, 1983, and established a residence in an apartment by himself.

The Marshals Service denied his claim for temporary quarters subsistence expenses for himself and family between July 11 and August 11, 1983. The reasons given for denial were that he and his family had established permanent rather than temporary residences, that he had inaccurately itemized claimed meal costs, and he had presented no receipts showing his payment of laundry and lodging in the amounts claimed. Our Claims Group sustained the denial by settlement certificate Z-2476321, July 31, 1986.

#### DISCUSSION

Temporary quarters subsistence expenses may be paid in connection with an employee's transfer during the period the employee or his or her family occupies temporary quarters while seeking a permanent residence at the new duty station. Federal Travel Regulations, paras. 2-5.1 and 2-5.2d (Supp. 4, Aug. 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1983). The term "temporary quarters" is defined as "any lodging obtained from private or commercial sources to be occupied temporarily by the employee or members of his immediate family who have vacated the residence quarters in which they were residing at the time the transfer was authorized." FTR, para. 2-5.2c. The period of eligibility for temporary quarters subsistence expenses terminates when the employee or any member of his immediate family occupies permanent residence quarters. FTR, para. 2-5.2f. Whether the quarters are temporary is determined by the intention of the employee at the time he or she moves into the temporary quarters. John W. Blanton, Jr., B-205112, February 9, 1982.

Since Mr. Ballentine moved his family and household goods into the St. Louis apartment and his family remained there with no evidence shown of an attempt to relocate the family

to the new duty station in Houston, it would seem that the apartment constituted permanent quarters at least for the family members. Although he stayed in the apartment temporarily, he did not occupy it for the purpose of assisting his relocation to Houston. Consequently, his occupancy was not incident to his transfer and the establishment of a permanent residence at his new duty station as required by FTR, paras. 2-5.1 and 2-5.2d. See also William H. Maine, B-185727, March 2, 1976.

As to Mr. Ballentine's apartment in Houston, there is no evidence that he lived anywhere else in Houston during his assignment there or that he attempted to secure any other quarters. In light of this, that apartment must be considered his permanent residence at his new duty station.

Therefore, we conclude that Mr. Ballentine did not occupy temporary quarters at any time in connection with the change of station and as a result the disallowance of his claim of temporary quarters subsistence expenses by our Claims Group is sustained.

*Wilton J. Doster*  
for Comptroller General  
of the United States